

Clerk - U.S. District Court
P.O. Box 9344
Des Moines, Iowa 50306-9344

YOU MUST NOTIFY THE CLERK AT THE ABOVE ADDRESS IF YOUR ADDRESS CHANGES.
This includes a transfer to another institution or release. If you don't, your case might be dismissed.

FORM A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT,
42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

KEVIN MAURICE BIRDING

(Enter above the FULL name and inmate
number of the plaintiff or plaintiffs in this
action)

8:04CV202

vs.

COMPLAINT

- ① U.S. FEDERAL GOVERNMENT NEBRASKA
- ② Douglas County Corrections
- ③ Stirling Jerome McKay "inmate"
- ④ Jeremy Webb "inmate"

JUDGE KOPF

MAGISTRATE JUDGE
GOSSETT

(Enter above the FULL name of each
Defendant in this action)

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
ON APR 27 PM 3:31
GARY D. MCFARLAND
CLERK

- (Note: If there is more than ONE plaintiff, a separate sheet should be attached giving the information in part I and II below for EACH plaintiff, by name.)

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes () No (X)

1. Parties to this previous lawsuit

Plaintiffs

NONE

Defendants

NONE

2. Court (If federal court, name the district; if state court, name the county)

NONE

3. Docket Number

NONE

4. Name of judge to whom case was assigned

NONE

5. Disposition, if known. For example: Was the case dismissed, appealed, still pending, etc.

NONE

6. Approximate date of filing lawsuit

NONE

7. Approximate date of disposition

NONE

II. Place of Present Confinement

Pottawattamie County Jail - "Iowa" / This complaint is for Nebraska Court

A. Is there a prisoner grievance procedure in this institution? Yes (X) No ()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (X) No ()

C. If your answer is Yes,

1. What steps did you take?

I filed a grievance at the Douglas County jail to MAKE SURE THE

SHERIFFS CAME TO FILE MY COMPLAINT BEFORE TO MUCH TIME PASSED

2. What was the result?

The sheriff came to take my statement, and file the assault charges I pressed on the two individuals who assaulted me.

D. If your answer is No, explain why not NONE

E. If there is no prison grievance in the institution, did you complain to prison authorities? Yes (X) No ()

F. If your answer is Yes,

1. What steps did you take?

I continued to press the issue that I had BEEN ASSAULTED, AND I wanted everything noted. AS FAR AS WHAT HAPPENED, AND MY MEDICAL NEEDS.

2. What was the result?

CHARGES WERE FILED, GRIEVANCE WAS ANSWERED, AND RETURNED. THEN I WAS MOVED TO THIS NEW JAIL WITH THE PROPER "KEEP SEPARATE" ALREADY IN PLACE.

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff KEVIN MAURICE BIRDINEAddress 1400 BIG LAKE ROAD - POTAWATOMIE COUNTY, IOWA

B. Additional Plaintiffs

NONE

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendant.)

C. Defendant U.S. GOVERNMENT is employed as FEDERAL PROSECUTION at NEBRASKA FEDERAL COURT

D. Additional defendants

Douglas County Corrections

Additional Claims

To whom this may concern,

Not counting the NEGLIGENCE involved with my complaint that I will bring forth at the appropriate time. THERE IS OTHER ADDITIONS THAT I WANT ACKNOWLEDGED: I WAS BRUTALLY BEAT TO A POINT WHERE I BLEED FROM MY LEFT EAR ON THAT DAY, AND AT LEAST ONCE MORE SINCE THEN. I ALSO NOW SUFFER FROM EXSTRAEM HEADACHE'S, AND PARANDIA. THIS IS ALL I FEEL I CAN SAY FOR NOW WITHOUT GOING OUTSIDE THE CONFINES OF THIS LEVEL OF THE COMPLAINT PROCESS. MORE WILL BE REVEALED IF CONTACTED.

Xerom M. Birdine

4-24-03

THANK YOU